

REMARKS/ARGUMENTS

The present amendment is submitted in an earnest effort to advance the case to issue without delay.

Independent claims 1, 7 and 8 have been amended by incorporating respective dependent claims 9, 10 and 11. Accordingly, the independent claims now require at least about 20% by weight of the composition being lathering surfactant(s). Since this is a mere consolidation of claims, the Examiner is requested to enter the amendment.

Claims 1, 4, 5, 7 and 8 were rejected under 35 U.S.C. § 102(b) as anticipated by Jones et al. (US Patent 4,753,844). Applicants traverse this rejection.

The Examiner has focused on Example 8. He takes the position that the solvents and the surfactants will act to reduce the activity of the water.

All of the independent claims require a very significant level of lathering surfactant, i.e. in a sufficient amount to foam. More specifically, through the present consolidation of claims the amount of surfactants must be present in an amount no less than about 20% by weight of the cleansing composition. By contrast, Example 8 lists a single surfactant identified as alkyl polyglycoside present at a barely noticeable 0.25%. The amount of this surfactant is 80 times less than the minimum claimed concentration. Even in the most expansive disclosure of Jones et al., the impregnating composition is

limited to a maximum of about 2% by weight. See column 9, lines 29-32. For these reasons, Jones et al. could not possibly anticipate the claims.

Claims 1-5, 7 and 8 were rejected under 35 U.S.C. § 102(b) as anticipated by Fowler et al. (US Patent 5,980,931). Applicants traverse this rejection.

The Examiner has focused attention on Example 5. The Examiner states that this Example discloses "1.5 g of the composition is coated onto 2 g of substrate."

Example 5 includes two surfactants. These are sodium lauroamphoacetate and ammonium lauryl sulfate together totaling 3.8% of the applied composition. Water in that composition amounts to 18.15% by weight. Thus, the applied 1.5 grams has a surfactant level more than five-fold times lower than the claimed minimum of about 20% lathering surfactants. Quite the opposite is found with water. Example 5 is formulated with a two-fold higher amount of water than the about 40% upper claimed limit. For both of these reasons, Fowler et al. would not anticipate the claims.

A drying process is applied to the 1.5 g composition which wets the 2 g non-woven substrate. By this procedure, the level of lathering surfactants on the final cloth will substantially increase while the amount of water will substantially decrease. Final levels of water in the resultant "substantially dry" impregnated cloth must be less than "about 10% by weight of water" and "more preferably less than about 1% by weight of water." See column 4, lines 23-28. Thus, the resultant articles in Fowler have substantially less water than the minimum of greater than 15% by weight claimed for the damp cleansing product of the present invention. Consequently, even in any extended analysis of Fowler et al., the reference would still not anticipate the claims.

Claims 1, 2, 4, 5, 7 and 8 were rejected under 35 U.S.C. § 103(a) as unpatentable over Jones et al. (US Patent 4,753,844). Applicants traverse this rejection.

The Examiner notes Example 12. Therein a non-woven substrate (5 g) was impregnated with 14 g of composition under Examples 1-9.

Among Examples 1-9, the highest level of total surfactants (prior to impregnation into the non-woven) is Example 3 with 0.45% alkyl polyglycoside. Impregnation of Example 3 will even further lower the 0.45% total surfactant level. Thus, there is an exceptionally small amount of a surfactant (more properly denoted as an emulsifying agent). The function of the surfactant is stated to disperse solid and particulate soils when the moistened wipe contacts the soiled area and to enhance their absorption into the substrate. See column 7 (lines 36-40). By contrast, applicants seek to have a lathering surfactant system. This distinction is further emphasized at column 9 (lines 26-32). There it states that "in any event foaming is not desired and therefore the surfactants should be chosen, and their relative content set, so as to minimize foaming." Here we have a clear teaching away from applicants' invention. Note also that the maximum amount of surfactant is limited to no higher than about 2% by weight. For all these reasons, Jones et al. would not render the instant invention obvious.

In the last Office Action (paragraph 7), the Examiner argued that the passage at column 9 (lines 26+) teaching away from the use of foaming surfactants was non-persuasive. It was argued that this passage only teaches that foaming is not desirable in the formulation of window cleaning wipes. Applicants respond that the essence of Jones et al. is the cleaning of windows. The introductory sentence of the application is instructive. It states: "This invention relates generally to disposable household articles

suitable for cleaning of windows and other hard surfaces, ranging from those of high gloss to those with none at all.” Further it states that these wipes are intended principally for cleaning windows. See column 1 (lines 19-20).

Even arguing that the reference teaches away only for cleaning windows, it is more than evident that only exceptionally low levels of surfactant are described in this reference. These surfactants indeed may be lathering but the concentration at which they are used will hardly generate any foam. For this reason, the reference would not render the claims obvious.

Claims 1-5 and 7-11 were rejected under 35 U.S.C. § 103(a) as unpatentable over EP 870 496 A2. Applicants traverse this rejection.

Amounts of water in the impregnated composition range from a low of 70% up to 99% water. These levels are substantially more than the damp levels of water claimed by the present invention. A prima facie case of obviousness has therefore not been presented. EP '496 is simply a wet wipe not a damp one.

In the last Office Action (page 5), second full paragraph, the Examiner counters the above argument stating that: “This is not persuasive because one could readily make a wipe which does meet applicants’ limitations by working in the middle of the ranges (water) disclosed in the reference.”

Other than in the claims, there is no disclosure of a water percent range. Thus, we are left with only the very high water levels disclosed in the Examples. These are not within the about 15-40% water range which applicants claim. The Examiner should

explain how the skilled chemist would then work "in the middle of the ranges disclosed in the reference".

Claim 6 was rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Fowler et al. (US Patent 5,980,931). Applicants traverse this rejection.

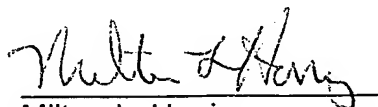
Fowler et al. is focused upon substantially dry wipes. Amounts of water in these materials are limited to no more than about 10% by weight of water. See column 4 (lines 23-27). Fowler et al. teaches away from the present invention. Certainly the disclosure of this reference does not establish a prima facie case of obviousness.

In the last Office Action (page 5, first full paragraph), the Examiner dismisses applicants' comments regarding Fowler et al. as being distinguished for teaching "substantially dry" wipes. The argument presented was that the reference teaches that the wipes are to be wetted with water by the consumer prior to use.

Applicants note that outside water added by the consumer to the Fowler et al. towelette will very substantially dilute the cleansing composition. This will result in a much diluted amount of lathering surfactant in that cleansing composition. In fact, the amount of lathering surfactant inevitably must be less than the "about 20% lathering surfactants" required by the present claims. Indeed, there is substantial doubt that the Fowler et al. impregnated compositions are loaded with total surfactant anywhere near the claimed "about 20% lathering surfactants". For these reasons, Fowler et al. would not render obvious either the independent claims or claim 6.

In view of the foregoing amendment and comments, applicants request the Examiner to reconsider the rejections and now allow the claims.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Milton L. Honig", is written over a horizontal line.

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